

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHRISTINE MAGA	)	No. 1:22-cv-3069
	)	
Plaintiff,	)	
	)	Hon. Judge John F. Kness
	)	Hon. Magistrate Judge Sunil R. Harjani
v.	)	
	)	
GAIL'S CARRIAGE HOUSE	)	
RESTAURANT, INC., and	)	
GAIL JANCZAK,	)	
	)	
Defendants.	)	

**ARIEL WEISSBERG'S MOTION FOR LEAVE TO WITHDRAW AS  
COUNSEL OF RECORD FOR DEFENDANTS**

NOW COMES Movant, Ariel Weissberg ("Weissberg"), and moves to withdraw as counsel of record for Defendants, Gail's Carriage House Restaurant, Inc. and Gail Janczak (collectively, "Defendants") in the above-captioned matter. In support of *Ariel Weissberg's Motion for Leave to Withdraw as Counsel of Record for Defendants*, Weissberg states as follows:

1. On June 13, 2022, Plaintiff, Christine Maga, filed her *Original Complaint* to initiate the instant case (DE 1).
2. On August 15, 2022, Weissberg filed his Appearance on behalf of Defendants (DE 5).
3. On May 25, 2023, Attorney Brian J. Benoit filed his Appearance on behalf of Defendants (DE 26).

4. Weissberg is seeking leave to withdraw as counsel for Defendants pursuant to the request of the Defendants, who now have new counsel of record to supplant and replace Weissberg in this pending action. Illinois Supreme Court Rule 13(c) and LR 83.17 requires an attorney to seek leave of court before withdrawing in an action. Rule 1.16 of the Illinois Rules of Professional Conduct permits an attorney to withdraw if, among other things: (a) the client's "conduct renders it unreasonably difficult for the lawyer to carry out the employment effectively" (*see* IRPC 1.16(b)(1)(D)); or (b) the client "substantially fails to fulfill an agreement or obligation to the lawyer as to expenses or fees" (*see* IRPC 1.16(b)(1)(F)).

4. Weissberg certifies that true and correct copies of this Motion and the Notice of Motion will be served by electronic transmission to both Defendants, Defendants' attorney, Brian J. Benoit and to all parties of record. LR83.17 provides in relevant part that an "attorney of record may not withdraw ... without first obtaining leave of court ..." *Id.*

6. This Motion advises the Defendants that the Defendants' procurement of new counsel is not a condition precedent to the Court allowing Weissberg to withdraw as counsel of record for the Defendants, although new counsel has filed an appearance for the Defendants to replace Weissberg.

7. This Motion is not brought to prejudice any party and no party shall be prejudiced by this Motion. Only Weissberg will be prejudiced if this Court denies the relief sought herein.

8. Weissberg will serve a copy of the Order granting him leave to withdraw (the "Order") upon the Defendants within three days of the date the Order is entered.

WHEREFORE, Ariel Weissberg requests that this Court grant him leave to withdraw as

attorney of record for Defendants, Gail's Carriage House Restaurant, Inc. and Gail Janczak; and  
for such other relief as this court deems just and proper.

**ARIEL WEISSBERG**, Movant

By:           /s/ Ariel Weissberg            
Pro Se

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### CERTIFICATE OF SERVICE

I, Ariel Weissberg, certify that on May 31, 2023, I caused to be filed ***Ariel Weissberg's Motion for Leave to Withdraw as Counsel of Record for Defendants***. Notice of this filing was sent to all parties registered to receive notice in this case by electronic transmission through the court's CM/ECF system, including to the following parties:

Colby Qualls, Esq.  
Josh Sanford, Esq.  
Sanford Law Firm, PLLC  
Kirkpatrick Plaza  
10800 Financial Centre Pkwy, Suite 510  
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(Attorney for Defendants)

Notice of ***Ariel Weissberg's Motion for Leave to Withdraw as Counsel of Record for Defendants*** was also sent to the following parties by electronic transmission on May 31, 2023:

Gail's Carriage House Restaurant, Inc.  
Ms. Gail Janczak  
1145 Elmhurst Road  
DesPlaines, Illinois 60016  
Email: [gailscarriageinn@gmail.com](mailto:gailscarriageinn@gmail.com)

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/s/ Ariel Weissberg  
Ariel Weissberg